

LETTER OF AGREEMENT
Between Resources Agency and CALFED Bay-Delta Program
Regarding Category III Program

DRAFT
(February 13, 1998)

The purpose of this Agreement is to describe the responsibilities of the Resources Agency (Agency) and the CALFED Bay-Delta Program (CALFED) or its successor entity in the implementation of the Category III Program (referenced in Article 3 of Chapter 4 of Division 24 of the California Water code, beginning with Section 78535 titled Bay-Delta Agreement Program.

1. CALFED Responsibilities.

Under the general guidance of the Resources Agency, CALFED will provide overall program management of the Category III program. This will involve:

- Overseeing the selection process to identify recommended proposals to be forwarded to Agency for final approval.
- Facilitating stakeholder and local involvement in the selection and implementation of the proposals through the Ecosystem Roundtable and attending meetings with local organizations.
- Overseeing the National Fish and Wildlife Foundation's responsibilities related to contract administration. Provide final review and approval of all contracts assigned to NFWF. Assist NFWF in resolution of problems regarding individual projects. Review and approve significant deliverables and related invoices as required for each individual contracts. Review and approve/deny less-significant amendments to the individual contracts. Provide analysis and recommendation for approval/denial of significant contract amendments to Resources Agency. Assist NFWF in the technical quality control of contracts as needed.
- Coordinate with the Department of Water Resources to assist them in their role as fiscal agent for the Category III program.
- Prepare administrative workplan and budget to be submitted to Agency for review and approval.
- Coordinate the necessary biological monitoring for each contract. Establish a data review process for monitoring data generated from the contracts.

- Provide quarterly reports to Agency containing fiscal and programmatic updates on the implementation of the contracts.
- Serve as contract administrator for the interagency agreements with state agencies.

2. Agency responsibilities:

- As entity with primary program responsibility, provide overall guidance and policy direction for the program.
- Provide final approval of proposals funded by the Category III program.
- Sign interagency Category III agreements with other state agencies
- Review and approve the annual budget and workplan.
- Provide approval/denial for significant contract amendment to individual proposals.
- Transfer funds to DWR, the fiscal agent for the program, upon written request based on estimated program expenditures as projected in the NFWF and CALFED budgets.
- Provide legal defense and payment of settlements and judgements involving any claims or legal actions against NFWF, CALFED, or DWR involving the recipient agreements or the NFWF Agreement.

Resources Agency

by Douglas Wheeler, Secretary for Resources

Date

CALFED

by Lester A. Snow, Executive Director

Date